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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/025,531 02/18/98 BECKMAN

J 1-5119

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

3726

16

DATE MAILED: 05/23/00

MACMILLIAN SOBANSKI & TODD
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO OH 43604

QM12/0523

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/025,531

Applicant(s)

Beckman

Examiner
Trinh Nguyen

Group Art Unit
3726



☒ Responsive to communication(s) filed on Mar 22, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 3/22/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/025,531 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. **Claims 1, 2, 4-7, 11 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by **Horton et al.** (US 5,862,877).

Horton et al. discloses a method for manufacturing a cradle assembly comprising the steps of: hydroforming the side frame members (12, 112, 14, 114, 26, 126) to form a plurality of integrally mounting structures thereon (38, 60, 42, 43, 202), wherein the integrally mounting structures comprise of apertures in which various vehicle components can be mounted directly to the integrally mounting structures (see lines 1-50 of col. 5); and securing a cross member (24) to the side frame members. As shown in Figure 2 at 126, note that the integrally mounting structure comprises an inwardly extending protrusion which is shaped to support any vehicle components.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3, 8-10, 12, 13, and 15-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Horton et al.** (US 5,862,877).

With respect to claims 3, 8, and 15, Horton et al. discloses the claimed invention as stated above in paragraph 3 except for specifying the specify location of the aperture relative to various brackets. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the aperture locates at a certain specific location as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art.

With respect to claims 9, 10, 12 and 13, Horton et al. discloses the claimed invention as stated above in paragraph 3 except for specifying that both the first and second side frame members comprise an inwardly extending protrusion thereon. However, since Horton et al.'s method of manufacturing teach the step of forming an inwardly protrusion on a frame member during a hydroforming process, one of ordinary skill in the art would have found it obvious to form another inwardly protrusion onto another frame member, so as to provide an additional mounting structure for the entire cradle assembly.

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6. With respect to claims 16-27, it is believed that the claimed steps of "connecting" various vehicle components to the integrally mounting structure, as such, are inherent steps within Horton et al.'s method of manufacturing a vehicle frame assembly. However, if the method do not teach the steps of "connecting", then one of ordinary skill in the art would be found it obvious to connect various vehicle components, such as control arm, engine, cab, leaf spring, box, and bumper, to the integrally mounting structure, so as to form a complete motor vehicle that can operate efficiently, since these components are the main bulk that drive the whole operation of the motor vehicle.

Response to Amendment

7. Applicant's remarks files on 3/22/00 is acknowledge.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is **(703) 306-9082**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

TTN

May 11, 2000


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700